

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting after section 5 the following:

‘**Sec. 6. 22 MRSA §1844, sub-§4, ¶D**, as enacted by PL 2005, c. 670, §1 and affected by §4, is amended to read:

D. This paragraph applies with regard to a public hearing.

(1) The department may hold a public hearing when it determines a public hearing is appropriate.

(2) The department shall hold a public hearing at the request of the Attorney General or if 5 or more persons who are residents of the State and who are from the health service area to be served by the applicant request, in writing, that a hearing be held. A request under this subparagraph must be received by the department no later than 30 days after publication of the notice under subsection 3.

(3) If a public hearing is held, an electronic or stenographic record of the public hearing must be kept as part of the record of the application by the department.

Sec. 7. 22 MRSA §1844, sub-§4, ¶F, as enacted by PL 2005, c. 670, §1 and affected by §4, is amended to read:

F. The department shall issue a final decision to grant or deny an application for a certificate of public advantage under this section no less than 40 days and no more than ~~90~~120 days after the filing of the application. The department shall issue a preliminary decision at least 5 days prior to issuing the final decision. The preliminary and final decisions must be in writing and set forth the basis for the decisions. The department shall provide copies of the preliminary and final decisions to the applicants, the Office of the Attorney General, the Governor's Office of Health Policy and Finance and all persons who requested notification from the department under subsection 3, paragraph B.’

Amend the bill in section 6 by striking out all of the last paragraph (page 2, lines 21 to 32 in L.D.) and inserting the following:

‘The council shall consult with the Attorney General and the Department of Professional and Financial Regulation, Bureau of Insurance for technical expertise. The council shall submit to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters a preliminary report outlining suggested legislation no later than December 1, 2010. The council shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters no later than January 15, 2011.’

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the minority report of the committee. The amendment adds 2 provisions to the bill to amend the process under the Hospital and Health Care Provider Cooperation Act. The amendment extends the time period for the Department of Health and Human Services to make a final decision on an application for a certificate of public advantage from 90 days to 120 days and adds a requirement that the department must hold a hearing on an application at the request of the Attorney General.

The amendment removes from the bill language limiting the scope of the Advisory Council on Health Systems Development's consultation with the Attorney General and the Department of Professional and Financial Regulation, Bureau of Insurance for technical expertise. The amendment removes from the bill language authorizing a legislative committee to introduce a bill to the 125th Legislature. The amendment requires the Advisory Council on Health Systems Development to submit a preliminary report outlining suggested legislation no later than December 1, 2010.